

ASSEMBLY BILL

No. 2459

Introduced by Assembly Member Diaz

February 21, 2002

An act to amend Sections 2248 and 2422 of, and to add Section 2026.5 to, the Business and Professions Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2459, as introduced, Diaz. Physicians and surgeons: prostate cancer.

Existing law, the Medical Practice Act, regulates the practice of medicine in this state and authorizes the Medical Board of California to take disciplinary action against a licensee. Existing law establishes a license renewal process for physicians and surgeons and, in certain situations, requires a physician and surgeon to provide a patient with information on prostate cancer.

This bill would require the board to distribute written materials on prostate cancer prepared by the state or the board to its licensees. The bill would require a physician and surgeon treating a patient for prostate cancer to disclose all available treatments and would make it unprofessional conduct if the physician or surgeon does not make this disclosure. The bill would require a physician and surgeon to include a statement in his or her license renewal indicating compliance with all requirements regarding prostate cancer.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2026.5 is added to the Business and Professions Code, to read:

2026.5. The board shall establish a distribution system for written materials prepared by the state or the board regarding prostate cancer treatment alternatives.

SEC. 2. Section 2248 of the Business and Professions Code is amended to read:

2248. This section shall be known as, and may be cited as, the Grant H. Kenyon Prostate Cancer Detection Act.

(a) If a physician and surgeon, during a physical examination, examines a patient's prostate gland, the physician and surgeon shall provide information to the patient about the availability of appropriate diagnostic procedures, including, but not limited to, the prostate antigen (PSA) test, if any of the following conditions are present:

(1) The patient is over 50 years of age.

(2) The patient manifests clinical symptomatology.

(3) The patient is at an increased risk of prostate cancer.

(4) The provision of the information to the patient is medically necessary, in the opinion of the physician and surgeon.

~~(b) Violation~~ *If a physician and surgeon is treating a patient for prostate cancer, the physician and surgeon shall disclose all available treatments to the patient and provide the patient with any written material on prostate cancer made available by the state.*

(c) Prior to performing a biopsy on a patient for prostate cancer, the physician and surgeon shall place a note in the patient's medical records stating that the requirements contained in subdivisions (a) and (b) have been met.

(d) A violation of subdivision (a) or (b) constitutes unprofessional conduct and is not subject to Section 2314.

SEC. 3. Section 2422 of the Business and Professions Code is amended to read:

2422. All licenses expire and become invalid at 12 midnight on the last day of February of each even-numbered year if not renewed.

To renew an unexpired license, a licensee shall, on or before the date it would otherwise expire, apply for renewal on a form prescribed by the licensing authority and pay the prescribed

1 renewal fee. *The physician and surgeon shall include a statement,*
2 *on a form prescribed by the licensing authority, with his or her*
3 *renewal indicating compliance with all prostate cancer*
4 *requirements contained in this chapter.*

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